

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE POLICE AND FIRE
RETIREMENT SYSTEM OF THE CITY OF
DETROIT, Derivatively on Behalf of MBIA INC.,

Plaintiffs,

-against-

DAVID C. CLAPP, GARY C. DUNTON, CLAIRE
L. GAUDIANI, DANIEL P. KEARNEY,
LAURENCE MEYER, DAVID M. MOFFETT,
DEBRA J. PERRY, JOHN A. ROLLS, RICHARD
C. VAUGHAN, RICHARD H. WALKER,
JEFFREY W. YABUKI,

Defendants,

-and-

MBIA INC.,

Nominal Defendant.

No. 08-CV-01515 (KMK)

Hon. Kenneth M. Karas
NOTICE OF MOTION

Oral Argument Requested

PLEASE TAKE NOTICE that upon the accompanying Declaration of Daniel K. Roque and submitted Exhibits and the Memorandum of Law, nominal defendant MBIA Inc. through the Special Litigation Committee of the Board of Directors will move this Court before the Honorable Kenneth M. Karas, United States District Judge, at the Honorable Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, on a date and at a time designated by the Court, for an Order dismissing the Verified Shareholder Derivative Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York
January 23, 2009

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